

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ENZO LIFE SCIENCES, INC.,)	
Plaintiff,	)	04-CV-01555 (RJS)
vs.	)	ECF Case
AFFYMETRIX, INC.,)	
Defendant,)	
AND RELATED CASES NAMING	)	02-CV-08448 (RJS)
MOLECULAR PROBES, INC.,	)	03-CV-03817 (RJS)
PERKINELMER, INC., PERKINELMER	)	03-CV-03819 (RJS)
LIFE SCIENCES, INC., ORCHID	)	03-CV-03816 (RJS)
BIOSCIENCES, INC., ENZO BIOCHEM,	)	03-CV-08907 (RJS)
INC., ENZO LIFE SCIENCES, INC.,	)	04-CV-04046 (RJS)
AFFYMETRIX, INC., ROCHE)	
DIAGNOSTICS GMBH, AND)	
ROCHE MOLECULAR SYSTEMS, INC.)	
AS DEFENDANTS, PLAINTIFFS,	)	ORAL ARGUMENT
AND/OR DECLARATORY JUDGMENT	)	REQUESTED
PLAINTIFFS.)	

DEFENDANT AFFYMETRIX, INC.'S NOTICE OF MOTION

AND MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that upon the Memorandum in Support of Defendant Affymetrix, Inc.'s Motion for Summary Judgment, dated December 21, 2012, the accompanying Declaration of Peter E. Root and the exhibits attached thereto, Affymetrix, Inc.'s Statement Pursuant to Local Rule 56.1, and upon all the papers and pleadings filed in this case and the related cases, Affymetrix, Inc., by the undersigned attorneys, will move this Court before The Honorable Richard J. Sullivan, United States District Judge for the Southern District of New York, at the United States Courthouse, 500 Pearl Street, New York, New York

10007-1312, on a date to be determined, for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting Affymetrix, Inc.'s Motion for Summary Judgment on all claims of Enzo Life Sciences, Inc.'s Complaint For Breach Of Contract, Injunctive Relief and Declaratory Judgment.

Dated: December 21, 2012

Respectfully submitted,

By: /s/ Peter E. Root

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